

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

EVAN PENA,

Defendant.

ORDER

20 Cr. 612 (RMB)

20 Mag. 1111

WHEREAS, defendant EVAN PENA has stated an intent to waive indictment and enter a plea of guilty to an Information pursuant to a plea agreement in this case, and this Court has referred the waiver of indictment and change-of-plea proceedings to the duty Magistrate Judge;

WHEREAS the ongoing COVID-19 pandemic necessitates that the proceeding take place remotely, and the CARES Act and findings made by the Judicial Conference of the United States and Chief Judge Colleen McMahon of the Southern District of New York allow for guilty pleas to be taken by phone or video, subject to certain findings made by the District Judge;

WHEREAS the Court understands that the duty Magistrate Judge shall conduct the defendant's change-of-plea proceeding by videoconference or by telephone if, due to scheduling limitations, videoconference is not reasonably available, and that the defendant has specifically requested that the proceeding occur remotely and consents to the same;

THE COURT HEREBY FINDS that the defendant's change-of-plea proceeding cannot be further delayed without serious harm to the interests of justice, because the defendant's case has been pending since his arrest in January 2020 while the parties negotiated a pretrial resolution, during which time the defendant has been detained; because the defendant has now stated an intention to resolve the case by waiving indictment and pleading guilty to an Information, which would be frustrated by further delay; and because the parties' and the public's interest in finality,

certainty, and the speedy disposition of criminal cases all require that the change-of-plea proceeding occur without further delay.

SO ORDERED.

Dated: New York, New York
October 21, 2020

A handwritten signature in black ink that reads "Richard M. Berman". The signature is written in a cursive, flowing style with a large initial 'R'.

THE HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK